UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,768	03/05/2002	Shinichiro Kinoshita	1883-43	7456

23117   7590   12/29/2004
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EXAMINER
LEE, HWA C

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<div align="center">

PERIOD FOR REPLY [check either a) or b)]

</div>

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *11/02/2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

    (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-11,13 and 14*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 2. NOTE: In the amendment filed 07/27/2004, the applicant incorporates the limitations of depedent claim 12 into independent claim 10. While this does not raise new issue, claim 11 now raises new issue. Since claim 11 also depends on claim 10, by incorporating the limitations of claim 12 into claim 10, the applicant has created a new combination, which has not be addressed before.
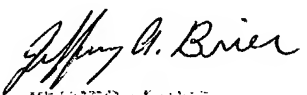
Continuation of 5. does NOT place the application in condition for allowance because:

The applicant's arguments filed 07/27/2004 have been fully considered but are not persuasive. In regards to claim 1, the applicant asserts that Wen and Cariffe in combination fail to teach all limitations of claim 1. First, the applicant argues that Cariffe teaches transforming the image into icons, which is not contracting the image. The examiner disagrees with this interpretation. Cariffe explicitly teaches "reducing" the image in size to an "iconified" version of the original (Col. 2, lines 1-4 and Col. 3, lines 18-30). Reducing in size specifically is contracting the image. In addition, FIG 6 explicitly shows image windows comprising well known standard GUI components for minimizing (represented by a box containig an underscore), maximing (represented by a box containing a box), and closing (represented by a box containing an 'X') the images. Said minimizing the image specifically is contracting the image. If the applicant's invention is patentably distinct from said reducing action of Cariffe, the applicant is advised to amend the claim to further clarify the invention. Second, the applicant argues that Wen and Cariffe in combination fail to teach adjusting a cropping cursor size based on the very same given data amount that was used to enlarge or contract the whole image. The examiner disagrees with this assertion. According to claim 1, the applicant recites "means for enlarging or contracting whole image being displayed on a display screen to a size corresponding to a predetermined data amount or any desirable data amount optionally determined by a user. Thus, the applicant recites a choice of using a perdetermined data amount OR any desired data amount optionally determined by a user. The same alternate language is used in the last paragraph of claim 1, "wherein the cursor size of the cursor is adjusted based on the predetermined data amount OR data amount optionally preset by the user. Said GUI for minimizing the image size allows the image to be reduced (contracted) to a predetermined size. This is well known and standard in the art. In addition, the rectangular cursor size for designating the portion of the image to be clipped is determined by the user using a dialog box (Col. 4, lines 46-51; Col. 5, lines 1-10; and FIGS. 2, 7-8). Thus, Wen and Cariffe explicitly teach the limitations of claim 1 according to the alternate language. Even if the applicant is to amend the claims to eliminate the alternate language, it is clear that Cariffe teaches using the same user determined data to contract the image and to change the clipping cursor size. Since Cariffe allows the user to change the clippping cursor rectangle, the user is able to change said clipping cursor rectangle size to match the size of the contracted image.

In regards to claim 8, the user asserts that Wen, Cariffe, and Warner in combination do not teach adjusting a cropping cursor size based on a data amount, which is set based on another or external device to which data is to be transmitted. The examiner disagrees with this assertion. In the previous office action mailed 05/03/2004, the examiner clearly states that Warner teaches a receiver and a transmitter for sending and receiving data (Paragraphs [38]-[40] and FIG. 1, No. 134 and 118). The receiver sends a request to the transmitter for receiving data based on specific compression (Paragraph [0095]-[0103]). Since said compression rate determines the size of data transmitted, the receiver specifically is another or external device to which data is to be transmittted. In addition, since the receiver designates the compression rate(data size), it would have been obvious to one of ordinary skill in the art to clip the original image to a size corresponding to said compression rate. Thus, said another or external device (receiver) determiens the data amount of the image data to be transmitted to the receiver.

In regards to claim 10 and 12, the applicant argues that the rejection of claim 10 is incorrect. The examiner disagrees with this assertion, and refers the applicant to the previous office action (Pages 12-13, Paragraph 29). Warner clearly teaches transmitting multicolor images, which are compressed,and said compression is limited by the number of colors in the images since each color is represented by a bit plane.

The examiner believes that the prior art of record in combination do in fact teach all limitations as recited by the applicant in the instant application. If the applicant still feels that the invention is patentably distinct from said prior art, the applicant is advised to amend the claims to further clarify and define the applicant's invention.

JEFFERY BRIER
PRIMARY EXAMINER